

APPEAL NO. 021559
FILED AUGUST 5, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on April 18, 2002. The hearing officer determined that the appellant (claimant) sustained a compensable injury on or about _____; that the compensable injury extends to and includes a spinal fluid leak and dural patch, but does not extend to or include the claimant's lumbar spine; and that the claimant had disability from February 1 through February 3, 2001. The claimant appealed the hearing officer's determinations as to the extent of her injury and the period of disability. The respondent (self-insured) responded, urging affirmance.

DECISION

Affirmed.

On appeal, the claimant asserts that the hearing officer erred in determining that her _____, compensable injury does not extend to or include her lumbar spine, and that she only had disability from February 1 through February 3, 2001. The underlying facts are undisputed. The claimant testified that on _____, while performing her duties as a registered respiratory therapist for the self-insured, she came into contact with a patient suffering from meningitis. As a result of the exposure, the claimant underwent a lumbar puncture to rule out the possibility that she had contracted the disease. The claimant testified that during the procedure, she felt immediate pain in her low back, which radiated down her legs. Additionally, after the procedure, the claimant was experiencing severe headaches and was required to undergo a blood patch on February 2, 2001, in order to remedy the spinal fluid leak which was causing her headaches. The claimant testified that her headaches subsided immediately, but her back and leg pain did not. The claimant testified that when she told the physician who performed the blood patch about the pain in her back and legs, he informed her that he did not believe it was related to the lumbar puncture. The claimant introduced into evidence voluminous medical records to establish that the lumbar puncture she underwent on January 30, 2001, was the cause of her herniated disk at L5-S1 and bulging disk at L4-5. The self-insured presented evidence that the lumbar puncture was performed at L3-4, and that it in no way involved the complained-of disks.

The hearing officer did not err in determining that the claimant's _____, compensable injury does not extend to and include her lumbar spine, and that she had disability as a result of her compensable injury only from February 1 to February 3, 2001. The issues of extent of injury and disability presented questions of fact for the hearing officer to resolve. The hearing officer is the sole judge of the weight and credibility to be given to the evidence. Section 410.165(a). There was conflicting evidence presented on the disputed issues. Nothing in our review of the record indicates that the hearing officer's decision is so against the great weight and

preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986); Pool v. Ford Motor Company, 715 S.W.2d 629, 635 (Tex. 1986).

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **(a certified self-insured)** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY
800 BRAZOS
AUSTIN, TEXAS 78701.**

Daniel R. Barry
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Philip F. O'Neill
Appeals Judge